



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 27, 1996

Mr. Mark E. Dempsey
Assistant City Attorney
City of Garland
P.O. Box 469002
Garland, Texas 75046-9002

OR96-2463

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103956.

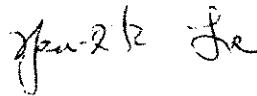
The City of Garland (the "city") received a request for a copy of photographs taken by the Garland Police Department (the "department") in connection with a fatality accident. You state that the department is currently investigating the case for a possible criminal charge against one of the drivers and claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the photographs deal with the investigation of a crime, we conclude that section 552.108 of the Government Code excepts the requested records from required public disclosure. You may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 103956

Enclosures: Submitted documents

cc: Ms. Kim Rivera
Law Offices of Fuller & Eason
1636 W. Hampton, Suite 106
DeSoto, Texas 75115
(w/o enclosures)